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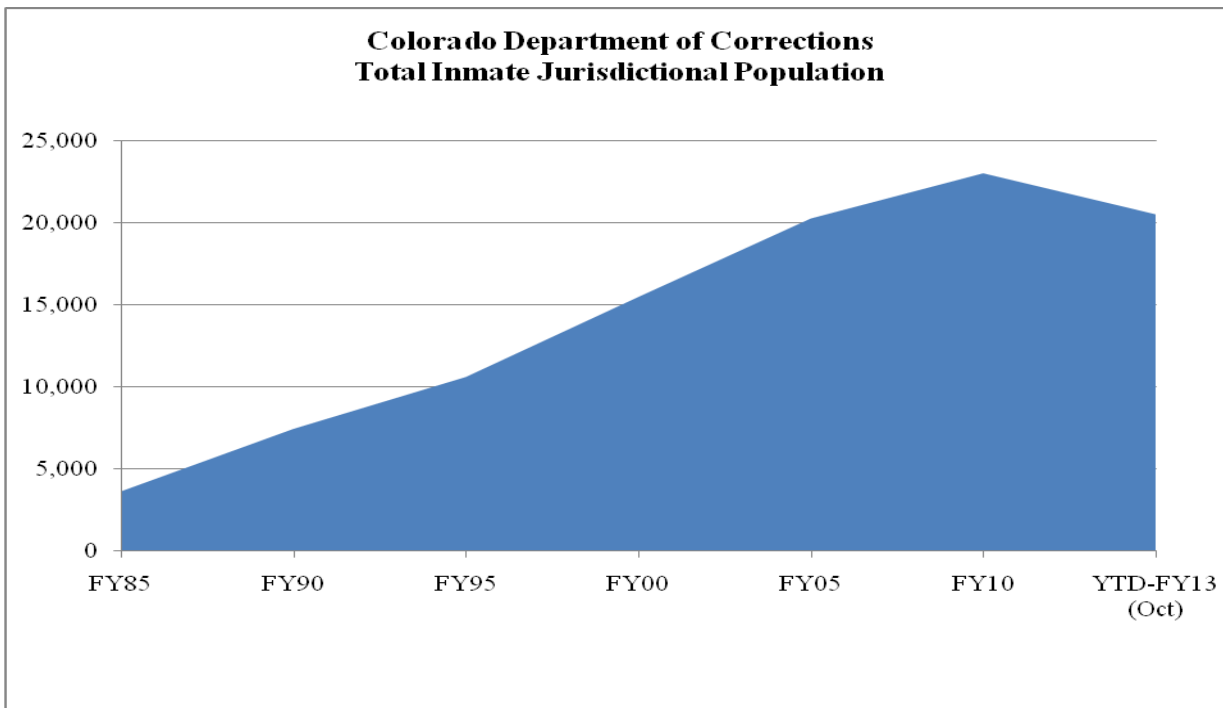
## Course Correction or Not?

In recent years, the adult prison population in Colorado has been declining after decades of unabated growth. Significant effort by the probation department to reduce technical revocations and legislative reforms on sentencing and parole seem to be having a cumulative effect to reduce the number of adults incarcerated in Colorado. However, will this trend last?

This document provides historical information on the growth of the prison population and budget, recent prison closures, and detailed summaries of criminal justice reform legislation enacted during the 2009, 2010, 2011 and 2012 legislative sessions.

### Historical Prison Population Growth in Colorado

In 1985, the Colorado Legislature passed HB 85-1320 (known as the “Mielke” bill) which doubled the maximum presumptive prison sentence for all felony offenses. At the time, it was believed that HB1320 would have little impact on the prison population. However, within the first five years of passage the prison population doubled and continued to grow at unprecedented rates until the middle of 2010. Since then, the number of people in prison has declined by almost 2,500 people which brought us to an incarceration level similar to 2005.

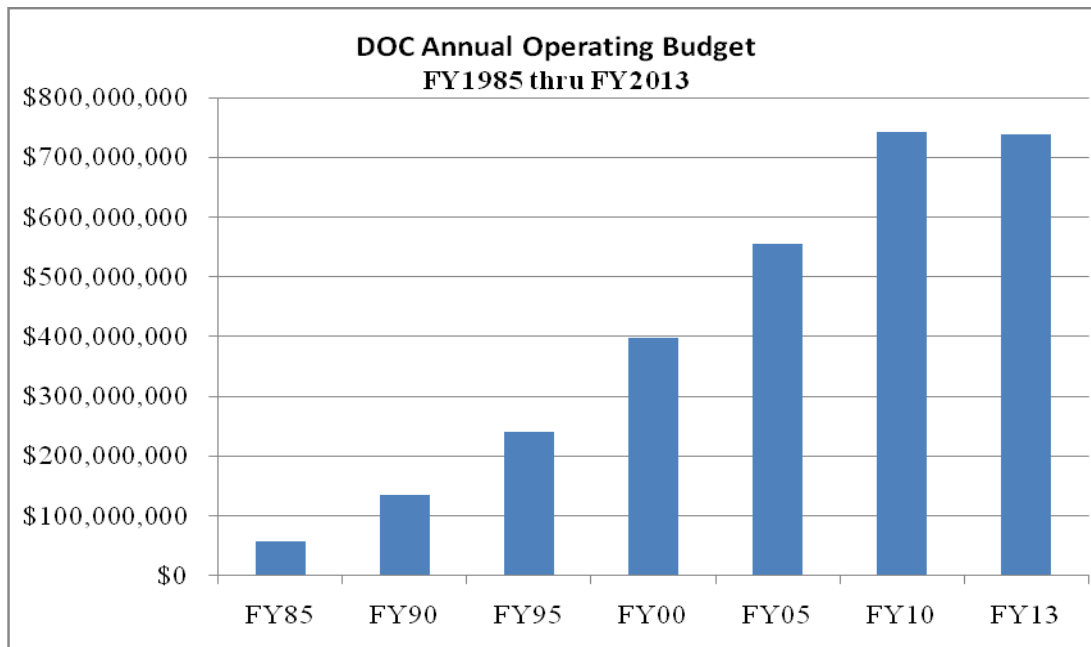


FY 1985	FY1990	FY 1995	FY 2000	FY2005	FY2010	FY2013 -YTD
3,586	7,398	10,564	15,441	20,228	22,980	20,476

Source: Colorado Department of Corrections, *Statistical Report* for fiscal years 1985-2011; FY2013 YTD- DOC Monthly Population & Capacity Report (Oct 2013); population reported includes the Total Inmate Jurisdictional Population and does not include people under parole supervision by the Department of Corrections.

**State Prison Budget**

In 1985, legislators believed that increasing sentence lengths under the Mielke bill would not have much impact on the Department of Corrections’ (DOC) budget. However, legislators were very wrong and the prison budget has increased more than 12-fold since FY1985. As the DOC budget grew, it consumed a growing portion of the state’s general fund budget, increasing from 2.8% in 1985 to 7% in FY13. The K-12 and higher education budgets were most impacted by cuts in order to increase funding to the Department of Corrections.



FY 1985	FY1990	FY 1995	FY 2000	FY2005	FY2010	FY2013
\$56,932,165	\$135,085,167	\$241,472,441	\$398,437,833	\$555,365,816	\$742,980,190	\$737,580,936

Source: General Assembly, Appropriations Reports FY 1985-FY 2013

**Recent prison closures and upcoming prison utilization study**

Since 2009, three state prisons and two private prisons have closed and 100-bed units have been closed at three more state prisons.

- 2009: Colorado Women’s Correctional Facility – 250-bed women’s state prison
- 2010: High Plains Correctional Facility -- 280-bed women’s private prison (owned by GEO/Cornell)
- 2010: Huerfano County Correctional Facility – 774-bed men’s private prison (owned by CCA)
- 11-12: Ft. Lyon Correctional Facility–500-bed state men’s prison (phased closure completed 3/2012)
- June 2012: closure of 100 bed units at state facilities in Trinidad and Sterling
- Aug 2012: closure of 117 bed unit at Buena Vista Correctional Facility
- Nov 2012: Colorado State Penitentiary II- 316-bed men’s administrative segregation

During the 2012 legislative session, HB12-1336 was signed into law that requires the Governor’s Office of State Planning and Budgeting and the Joint Budget Committee to conduct a prison utilization study to analyze future prison population projections and make recommendations with regard to the “best use of available public and private prison beds.” The scope of the study includes a reduction in prison beds, decommissioning prison facilities, optimizing staffing levels, and repurposing existing facilities. The first interim report to the Legislature is due by January 31, 2013 and the final report is due June 30, 2013. CCJRC has been asked to participate on the advisory panel. You can read HB 12-1336 at:

[http://www.leg.state.co.us/clics/clics2012a/csl.nsf/fsbillcont/4384C1DD7B2FBFAB872579C700713D73?Open&file=1336\\_enr.pdf](http://www.leg.state.co.us/clics/clics2012a/csl.nsf/fsbillcont/4384C1DD7B2FBFAB872579C700713D73?Open&file=1336_enr.pdf)

## **Criminal Justice Reform Legislation Passed in the 2009, 2010, 2011, and 2012 sessions**

This summary provides information on a number of criminal justice reform bills enacted by the Colorado General Assembly during each of the legislative sessions from 2009 thru 2012.

The Colorado General Assembly consists of 65 members of the House of Representatives and 35 Senators. The session lasts 120 days and begins annually on the 2<sup>nd</sup> Tuesday in January. In the 2009 and 2010 legislative sessions, Democrats had the majority in the House and Senate and the Governorship. In the 2011 and 2012 legislative sessions, Republicans had the majority in the House, Democrats had the majority in the Senate, and the newly elected Governor was a Democrat.

These bills are organized by topics (1) sentencing reform, (2) adult parole/re-entry/collateral consequences, (3) time credits, (4) juvenile, and (5) other. Within each topic, the bills are sequenced by year. In Colorado, legislation is labeled first by the year, ie: HB 09-xxxx, indicates that the bill was introduced in the 2009 regular session. A link is provided to the legislation as enacted. There is also a list of legislation that is organized by year at the end. For more information, go to [www.leg.state.co.us](http://www.leg.state.co.us). This is not an exhaustive list of all the criminal justice legislation introduced in these legislative sessions.

### **Sentencing Reform**

#### **HB 09-1122: Concerning Increasing the Age of Persons Eligible for Sentencing to the Youthful Offender System**

*Sponsors:* Representative Roberts (R) and Senator Morse (D)

*Status:* Passed the House (58-5) and the Senate (34-1) and signed into law 4/2/09.

*Description:* HB 1122 increases the age of eligibility for sentencing to the Youthful Offender System in lieu of adult prison to people who are 19 years old.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/5AC04657BCB4A1F4872575370071F63D?Open&file=1122\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/5AC04657BCB4A1F4872575370071F63D?Open&file=1122_enr.pdf)

#### **SB 09-286: Concerning Criminal Law ...**

*Sponsors:* Senators Morse (D) and Carroll M.(D), Bacon (D), Boyd (D), Foster (D), Groff (D),Heath (D), Hodge (D), Hudak (D), Isgar (D), Newell (D), Romer (D), Shaffer B.(D), Tapia (D), Tochtrop, (D),Veiga (D), Williams (D); and Representatives Levy (D) and Merrifield (D), Ferrandino (D), Kagan (D),Miklosi (D), Pommer (D), Pace (D), Benefield (D), Carroll T.(D), Court (D), Fischer (D), Green (D),Hullingerhorst (D), Judd (D), Kerr A.(D), Labuda (D), McFadyen (D), Middleton (D), Rice (D), Ryden (D),Schafer S. (D), Solano (D), Todd (D), Kefalas (D), McCann (D)

*Status:* Passed the Senate (25-10) and the House (65-0) and signed into law on 6/1/09.

*Description:* SB 286 as amended requires the Commission on Criminal & Juvenile Justice to study sentencing practices, particularly drug offenses, parole periods, and a prison bed management plan.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/57548269391E1F638725753C007AAC30?Open&file=286\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/57548269391E1F638725753C007AAC30?Open&file=286_enr.pdf)

#### **HB 10-1090: Concerning the Punishment for a Person Who Is Convicted of Driving a Motor Vehicle with Knowledge That His or Her Driver's License Is Under Restraint**

*Sponsors:* Representative Waller (R) and Senator Morse (D)

*Status:* Passed the House (57-6) and Senate (35-0) and signed into law on 3/29/10.

*Description:* HB1090 eliminates the mandatory 5-day jail sentence for a person who is convicted of driving a motor vehicle or off-highway vehicle upon any highway of the state with knowledge that his license or privilege to drive is under restraint for any reason other than conviction of driving under the influence (DUI), driving while ability impaired (DWAI), or underage drinking and driving.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/038A6E54C14F0C7A872576A80027B264?Open&file=1090\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/038A6E54C14F0C7A872576A80027B264?Open&file=1090_enr.pdf)

### **HB 10-1104: Veterans' Treatment Court**

*Sponsors:* Representative Looper (R) and Senator Williams (D)

*Status:* Passed the House (64-0) and the Senate (34-0) and signed into law on 4/16/10.

*Description:* HB1104 authorizes the state court administrator to apply for federal grant funds on behalf of the state for the establishment, maintenance or expansion of veterans' treatment courts. The bill also authorizes the chief judge in the judicial district to establish a program for the treatment of veterans and active military.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/12F20F4D87558DB3872576A80027AE89?Open&file=1104\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/12F20F4D87558DB3872576A80027AE89?Open&file=1104_enr.pdf)

### **HB 10-1338: Concerning the Eligibility for Probation of a Person Who Has Two or More Prior Convictions**

*Sponsors:* Representative McCann (D) and Senator Steadman (D)

*Status:* Passed the House (54-7) and Senate (24-11) and was signed into law on 5/25/10.

*Description:* HB1338 changes the two-prior felony statute that makes a defendant with two prior felonies ineligible for probation without the district attorney's consent. This bill requires district attorney consent only if the current charge or one (or more) of the prior convictions was for a specific offense including: first or second degree murder, manslaughter, first or second degree assault, first or second degree kidnapping, sexual offense, first degree arson, first or second degree burglary, robbery, aggravated robbery, or a felony offense against a child.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AD85D0617C7735D7872576B80070EB53?Open&file=1338\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AD85D0617C7735D7872576B80070EB53?Open&file=1338_enr.pdf)

### **HB 10-1347: Concerning Misdemeanor Penalties for Persons Who Are Convicted of Multiple Traffic Offenses Involving Alcohol or Drugs**

*Sponsors:* Representative Levy (D) and Senator Morse (D)

*Status:* Passed the House (64-0) and Senate (33-1) and was signed into law on 5/25/10.

*Description:* HB1347 adjusts the penalties for a second offense of DUI, DWAI, and driving as a habitual user of a controlled substance and creates a new set of penalties for a third or subsequent offense.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/0AA564A18087D71A872576A80027B60C?Open&file=1347\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/0AA564A18087D71A872576A80027B60C?Open&file=1347_enr.pdf)

### **HB 10-1352: Drug Sentencing Reform**

*Sponsors:* Representatives Waller (R), Pace (D), Court (D), Gardner B. (R), Gerou (R), Kagan (D), King S. (R), Levy (D), Looper (R), Massey (R), May (R), McCann (D), Miklosi (D), Nikkel (R), Roberts (R), Ryden (D), Stephens (R) and Senators Steadman (D), Mitchell (R), Carroll M. (D), Hudak (D), Morse (D), Newell (D), Penry (R), White (R)

*Status:* Passed the House (58-5) and the Senate (30-5) and signed into law on 5/25/10.

*Description:* HB1352 reduces penalties for the crime of drug use or possession and redirects cost savings in corrections to substance abuse and mental health treatment. The bill also creates enhanced penalties for adults convicted of selling drugs to a minor. The bill also makes two changes to the special drug offender statute (which has an increased sentence range) to exclude "simple possession" from the crime of drug importation and requires a closer nexus to prove that a weapon was used during a drug offense. The bill appropriated the anticipated first year and second year cost savings in averted incarceration costs (approximately \$7.1 million combined) to expand funding for substance abuse treatment for people in the criminal justice system.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F0B440D0C733A91C872576B40000FF89?Open&file=1352\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F0B440D0C733A91C872576B40000FF89?Open&file=1352_enr.pdf)

### **HB 10-1373: Sentencing Changes For Escape Crime**

*Sponsors:* Representative T. Carroll (D) and Senator Hudak (D)

*Status:* Passed the House (58-7) and Senate (19-16) and signed into law on 5/25/10.

*Description:* HB 1373 eliminates the mandatory consecutive sentence for escape for a diversion client in community corrections or a parolee on intensive supervision. The mandatory consecutive sentence would apply to people on "inmate status", including those in secured correctional facilities, work release, and transition

clients from DOC in community corrections.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/216F827D28332798872576C50056A4F4?Open&file=1373\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/216F827D28332798872576C50056A4F4?Open&file=1373_enr.pdf)

**HB 11-1032: Concerning Restorative Justice**

*Sponsors:* Representative Lee (D) and Senator Newell (D)

*Status:* Passed the House (40-25) and the Senate (34-0) and was signed into law on 6/7/11.

*Description:* HB1032 adds restorative justice to the options a court has when it imposes an alternative sentence instead of incarceration or as a part of a probation sentence. Under current law, restorative justice sentencing provisions are permitted in juvenile cases during advisement, entry of plea, sentencing, and during probation. The bill adds criteria to help prosecutors determine whether restorative justice is a suitable sentencing option. The bill allows the Department of Corrections and the Division of Youth Corrections to establish pilot programs for facilitated victim-offender dialogues in institutions under the control of the departments, which would arrange the dialogues if requested by the victim and agreed to by the offender. The bill creates the right for a victim to be informed by the district attorney about the availability of restorative justice options.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/D9ABC2E028CA4D3487257808008012EA?Open&file=1032\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/D9ABC2E028CA4D3487257808008012EA?Open&file=1032_enr.pdf)

**HB 11-1180: Concerning Using Individualized Assessments to Aid Judges in Imposing Criminal Sentences that Reduce the Likelihood of Criminal Offenders Committing Additional Criminal Acts**

*Sponsors:* Representative Levy (D) and Senator Steadman (D)

*Status:* Passed the House (62-0) passed the Senate (35-0) and was signed into law on 4/8/11

*Description:* HB1180 requires each presentence report submitted by a probation officer to a court to include: (1) results of an actuarial risk and needs assessment; (2) whether the defendant is a suitable candidate for an alternative to a prison sentence; (3) appropriate conditions of supervision if the defendant is sentenced to probation; and (4) projected costs associated with each sentencing option available to the court. The court shall consider the purposes of sentencing in granting probation or imposing any other sentence.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C04BC8A520595DA987257816005CA736?Open&file=1180\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C04BC8A520595DA987257816005CA736?Open&file=1180_enr.pdf)

**HB 11-1239: Concerning A Requirement to Include Additional Information in Fiscal Notes For Certain Bills Related to Criminal Offenses**

*Sponsors:* Representative Nikkel (R) and Senator Roberts (R)

*Status:* Passed the House (64-1) and the Senate (35-0) and was signed into law on 3/29/11.

*Description:* Requires that additional information be included in the fiscal note prepared on any bill that creates a new crime or makes changes to the penalty or elements of an offense including: (1) a description of the new, amended, or additional elements of an existing crime; (2) a statement as to whether the offense proposed can already be charged under current law; (3) a comparison of the crime classification and associated penalties to similar types of offenses; and (4) a summary of the current and anticipated future prevalence of the behavior that the new crime, or changes to an existing crime, intends to address.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/19FDBF6E4676263187257818007B81BA?Open&file=1239\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/19FDBF6E4676263187257818007B81BA?Open&file=1239_enr.pdf)

**SB 11-96: Concerning Excluding A Class 6 Felony Drug Possession Conviction As A Qualifying Offense Under The Habitual Offender Statute**

*Sponsors:* Senators Steadman (D), Bacon (D), Carroll M. (D), Giron (D), Guzman (D), Hodge (D), Hudak (D), Jahn (D), King K.(R), King S.(R), Mitchell (R), Morse (D), Newell (D), Nicholson (D), Roberts (R) and Representatives McCann (D), DelGrosso (R), Ferrandino (D), Levy (D), Nikkel (R)

*Status:* Passed the Senate (35-0) and the House (57-6) and was signed into law on 3/25/11

*Description:* A person charged with a class 6 felony for drug possession is not eligible to be sentenced under the habitual offender statute in that case.

<http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/1EA048792D99E0D58725781700558>



[35C?Open&file=096\\_enr.pdf](#)

**SB 11-134: Concerning The Addition of Certain Drugs to the Statutory List of Schedule I Controlled Substances**

*Sponsors:* Senator Kopp (R) and Representatives Murray (D) and Vigil (D)

*Status:* Passed the Senate (34-0) and the House (61-3) and was signed into law on 6/1/11

*Description:* Distribution, dispensing, manufacturing, sale and possession with the intent to distribute any amount of salvia divinorum or synthetic cannabinoids (aka Spice/K2) is a class 5 felony or class 4 felony if the distribution is to a minor and the defendant is at least 18 and more than 2 years older than the minor.

Possession of these same substances will be a class 2 misdemeanor effective January 1, 2012. Synthetic cannabinoids shall not be considered medical marijuana under Colorado law.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/6CC9DF8DB0983E358725780800801229?Open&file=134\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/6CC9DF8DB0983E358725780800801229?Open&file=134_enr.pdf)

**HB12-1213 Escape from Community Corrections Program**

*Sponsors:* Representative Fields (D) and Senator S. King (R)

*Status:* Passed the House (64-1), passed the Senate (35-0) and signed to law on May 17, 2012.

*Description:* Excludes the crime of “walkaway-escape” from a community corrections program from being used as a triggering offense for habitual criminal prosecution/sentencing.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/824F271A2AFBCA3E87257988007D8364?Open&file=1213\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/824F271A2AFBCA3E87257988007D8364?Open&file=1213_enr.pdf)

**SB12-116 Concerning Penalties Associated with Cathinones, and In Connection Therewith, Creating A Misdemeanor Penalty for Possession of Cathinone (aka “bath salts”)**

*Sponsors:* Senator Foster (D) and Representative Brown (R)

*Status:* Passed the Senate (34-0) but technically died when the House did not vote on SB 116 due to a filibuster on the civil union bill. However, it was revived in the Senate by amending the entire content of SB 116 into HB 1310 and was signed into law on June 7, 2012.

*Description:* Classifies possession of any quantity of cathinone (a “designer drug” similar to methamphetamine) as a class 1 misdemeanor, distribution of any quantity would be a class 3 felony and distribution by an adult to a minor (where adult is more than 2 years older than minor) would carry a mandatory minimum sentence. Sale of cathinone is included in the list of deceptive trade practices under the Colorado Consumer Protection Act and would carry a civil fine of no less than \$10,000 and no more than \$500,000 unless the sale is to a minor and then the fine is no less than \$25,000 and no more than \$500,000.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/5E56B3D0BA79998B8725799C00605F05?Open&file=1310\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/5E56B3D0BA79998B8725799C00605F05?Open&file=1310_enr.pdf)

**SB12-163 Concerning Changes to Controlled Substances Act and Making a Misdemeanor Offense for Drug Possession**

*Sponsors:* Senators Mitchell (R) and Steadman (D) and Representatives Beezley (R) and Levy (D)

*Status:* Passed the Senate 30-5 but technically died when the House did not vote on SB 163 due to a filibuster on the civil union bill. However, it was revived in the Senate by amending the entire content of SB 163 into HB 1310 and was signed into law on June 7, 2012.

*Description:* This bill as introduced reduced the crime classification for simple possession of a controlled substance from a class 6 felony to a class 1 misdemeanor and reduced the class 4 felony possession offense to a class 6 felony. The bill was amended to require the Commission on Criminal and Juvenile Justice to submit recommendations to the Judiciary Committees of the House and Senate by December 15, 2012 regarding a comprehensive sentencing scheme for all drug crimes that better differentiates between drug offenders who are primarily users and addicts from those more serious offenders who are involved in drug distribution, manufacturing or trafficking. The Commission is also required to evaluate resource needs that will enhance public safety through evidence-based intervention, supervision and treatment.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/5E56B3D0BA79998B8725799C00605F05?Open&file=1310\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/5E56B3D0BA79998B8725799C00605F05?Open&file=1310_enr.pdf)

## **Adult parole/re-entry/collateral consequences**

### **SB 09-135: Concerning Information Collection Regarding Parole Decisions**

*Sponsors:* Senator Penry (R) and Representative Miklosi (D)

*Status:* Passed the Senate (35-0) and the House (65-0) and signed into law on 6/1/09.

*Description:* SB 135 mandates that specific information on parole board decisions be collected by the parole board, transferred to the Division of Criminal Justice for analysis, and reporting annually to the General Assembly.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/7BCCC9DCDE4D3EF48725753800635151?Open&file=135\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/7BCCC9DCDE4D3EF48725753800635151?Open&file=135_enr.pdf)

### **HB 10-1023: Concerning Clarifying Civil Liability Regarding Negligent Hiring Practices for an Employer That Hires a Person with a Criminal Record**

*Sponsors:* Representative Waller (R), Gagliardi (D), Kagan (D), Kefalas (D), Summers (R) and Senators Hudak (D), Boyd (D), Sandoval (D), Scheffel (R), and White (R)

*Status:* HB 1023 passed unanimously in the House and the Senate and was signed into law on 3/25/10.

*Description:* Limits the admissibility of evidence of an employee's criminal history in a civil action against an employer where: (1) the criminal history did not have a direct relationship to the underlying cause of action in the civil case, (2) the criminal record was sealed prior to the acts underlying the cause of action, (3) the criminal history consists of an arrest that did not lead to conviction, (4) the defendant received a pardon, or (5) the defendant successfully completed a deferred judgment.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/33D8A2927B432FBA872576A80026AFC2?Open&file=1023\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/33D8A2927B432FBA872576A80026AFC2?Open&file=1023_enr.pdf)

### **HB 10-1360: Reducing Revocations for Technical Violations**

*Sponsors:* Representative Pace (D) and Senator Steadman (D)

*Status:* Passed the House (54-9) and the Senate (24-11) and signed into law on 5/25/10.

*Description:* Requires the parole board to consider the treatment needs (substance abuse and/or mental health) prior to revoking parole for a technical violation. If the parolee is amenable to treatment and if it is consistent with public safety, the parole board may modify the conditions of parole (in lieu of revocation) and require participation in a residential or outpatient treatment program. The bill reduces the maximum time a revoked parolee can be re-incarcerated in prison for a technical parole violation to 90 days (from the current statutory cap of 180 days) if the parolee was assessed as lower than high risk and the parolee's underlying conviction was not for a crime of violence, menacing, or stalking. The bill appropriated the anticipated first year and second year cost savings in averted incarceration costs (approximately \$9 million combined) to expand funding for substance abuse treatment and wrap around services for people on parole.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E1BCEF14BFB7AE6D872576BF0075BAAA?Open&file=1360\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E1BCEF14BFB7AE6D872576BF0075BAAA?Open&file=1360_enr.pdf)

### **HB 10-1374: Changes to Parole**

*Sponsors:* Representative Ferrandino (D) and Senator Penry (R)

*Status:* Passed the House (63-0) and Senate (35-0) and signed into law on 5/25/10.

*Description:* HB 1374 reforms parole by: (1) clarifying eligibility criteria for the enhanced earned time that was created last year in HB 09-1351; (2) repealing some archaic language in statute that mandates the arrest of a parolee under certain circumstances; (3) revising the statutory parole guidelines; and (4) requires the parole board to make an annual presentation before the House and Senate judiciary committees.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/613593E17756B084872576CD005378DE?Open&file=1374\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/613593E17756B084872576CD005378DE?Open&file=1374_enr.pdf)

### **SB 10-06: Concerning Reductions in Barriers to Obtaining Identity-Related Documents**

*Sponsors:* Senators Boyd (D), Hudak (D), Sandoval (D), White (R) and Representatives Summers (R), Gagliardi (D), Kefalas (D), and Waller (R)

*Status:* Passed the House (48-16) and Senate (22-12) and signed into law on 6/5/10.

*Description:* Among other things, SB 6 waives the payment of the fee to obtain a state identification card for those referred by a county department of social services or those referred by a county jail, the Department of Corrections, or the Division of Youth Corrections. The bill also restored the authority of a district court to allow a person with a criminal record to legally change his or her name if such name change is necessary to obtain an identification card. Prior to ordering the name change, the petitioner must meet requirements and interested parties must be notified.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/14C7EBCAEEA6F98E872576A80026AF A6?Open&file=006\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/14C7EBCAEEA6F98E872576A80026AF A6?Open&file=006_enr.pdf)

### **SB 10-159: Concerning Defendant Statements at a Community Corrections Hearing**

*Sponsors:* Senator Foster (D) and Representative Miklosi (D)

*Status:* Passed the House (65-0) and Senate (33-0) and signed into law on 5/27/10.

*Description:* An inmate has the right to submit a written statement to a community corrections board considering his or her transitional referral to community corrections. This written statement must be timely submitted by the inmate to the DOC case manager so that it can be included in the initial electronic application submitted by DOC to a community corrections board or program. Community corrections boards have the discretion to decide whether to accept a written or oral statement by a third party on behalf of an inmate and these policies must be in writing and publicly accessible. Affirms that a victim shall have the right to provide a written impact statement and a separate oral statement to a community corrections board considering an offender's transitional to community corrections.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5D61EFDA0BE01312872576BA006 2A41D?Open&file=159\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5D61EFDA0BE01312872576BA006 2A41D?Open&file=159_enr.pdf)

### **HB 11-1064: Concerning A Parole Presumption Pilot Program for Certain Drug Offenders**

*Sponsors:* Representative Waller (R) and Senator Steadman (D)

*Status:* Passed the House (64-0) and the Senate (35-0) and was signed into law on 5/27/11

*Description:* The bill creates a pilot program establishing a presumption in favor of granting parole to an inmate who is parole-eligible and serving a sentence for a drug use or drug possession crime that was committed prior to August 11, 2011 (the enactment date of HB 10-1352). The parole board retains full discretion in determining whether to grant or deny parole. An inmate must also meet other criteria such as good institutional conduct, no prior convictions for a violent offense, and no detainers. The parole board must hold a parole hearing within 90 days of an inmate becoming eligible for this presumption.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/60163A6D202F12B48725780100604 75C?Open&file=1064\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/60163A6D202F12B48725780100604 75C?Open&file=1064_enr.pdf)

### **HB 11-1167: Concerning The Petition Process For The Sealing of Certain Drug Offense Records**

*Sponsors:* Representatives Ferrandino (D), Levy (D) and Lee (D) and Senators Nicholson (D) and Steadman (D)

*Status:* Passed the House (64-1) and the Senate (35-0) and was signed into law on 3/29/11.

*Description:* The bill amends the petition process for sealing certain drug offense criminal conviction records by staggering the time period a defendant has to wait to petition the court to seal the record based on the severity of the offense, specifically: 3 years on a petty offense or class 2 or 3 misdemeanor; 5 years on a class 1 misdemeanor; 7 years on a class 5 or 6 felony; and 10 years on any other drug crime. The district attorney has the right to veto the request for all offenses except petty offenses for convictions entered before 7/1/2011. For convictions that occur after 7/1/2011, the district attorney has the right to object to the petition but does not have veto authority. To be eligible, a person must also not have been charged or convicted of another offense during the waiting period and have paid all the restitution, fines, or fees ordered in the case seeking sealing. (This legislation amends record sealing procedures passed in 2008 via HB 1082.)

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4635214456F0B73887257808008041 35?Open&file=1167\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4635214456F0B73887257808008041 35?Open&file=1167_enr.pdf)

### **SB 11-241: Concerning Changes Related to the Operation of the Parole Board**

*Sponsors:* Senators S. King (R) and M. Carroll (D) and Representatives B. Gardner (R) and Kagan (D)



*Status:* Passed the Senate (34-0) and the House (63-2) and signed into law on 5/23/11.

*Description:* Makes changes to the composition and qualifications to the parole board and adds annual training requirements for parole board members, release hearing officers, and administrative hearing officers. Allows release hearing officers to conduct parole release hearings for inmates assessed to be low risk on CARAS. Modifies the special needs parole program regarding eligibility and DOC referral process. The bill also creates a new presumption of parole for inmates who have been convicted of a nonviolent offense, are medium risk or below on CARAS, and who have an active ICE detainer. Allows the Parole Board, at its discretion, to conduct file reviews (instead of a hearing) when the parole application is for special needs parole or when an eligible inmate has an ICE detainer.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/7DA8B8D39D0BCCD58725784E00731658?Open&file=241\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/7DA8B8D39D0BCCD58725784E00731658?Open&file=241_enr.pdf)

### **HB12-1263 Concerning Reducing Barriers to Employment For People With Criminal Records**

*Sponsors:* Representative Levy (D) and Senator Steadman (D)

*Status:* Passed the House (36-29), passed the Senate (33-2) and was signed into law on May 29, 2012.

*Description:* Prohibits a state agency or department from conducting a criminal background check until after a decision is made that the applicant is a finalist for the job (excludes jobs that prohibit employment for those with a criminal conviction, like DOC). If an applicant has a criminal conviction, the state agency or department must consider the following factors:

- (1) the nature of the conviction;
- (2) the relationship between the conviction and the specific position for hire and the bearing, if any, the conviction will have on his or her fitness or ability to perform the duties and responsibilities;
- (3) any information produced by the applicant or produced on his or her behalf regarding his or her rehabilitation and good conduct; and
- (4) the time that has elapsed since the applicant's conviction.

The bill also requires that a state licensing board consider the same criteria when determining whether to grant a professional license to an applicant with a criminal record.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/58513434CDFA85B087257981007F5AE8?Open&file=1263\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/58513434CDFA85B087257981007F5AE8?Open&file=1263_enr.pdf)

## **Time credits**

### **HB 09-1263: Concerning Time Computation While An Inmate Is Incarcerated In A County Jail**

*Sponsors:* Representative Casso (D) and Senator Carroll (D)

*Status:* Passed the House (63-1) and Senate (35-0) and signed into law 4/3/09.

*Description:* HB 1263 allows people in jail to be awarded up to 2 days of earned time a month in addition to good time and awards credit for time served in jail pending a parole revocation hearing.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/91E04C0D3B619F4B87257546000B83C4?Open&file=1263\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/91E04C0D3B619F4B87257546000B83C4?Open&file=1263_enr.pdf)

### **HB 09-1351: Concerning an Increase in the Amount of Time an Inmate May Have Deducted From the Inmate's Sentence and Making an Appropriation in Connection Therewith**

*Sponsors:* Representatives Pommer (D), Ferrandino (D) and Marostica (R) and Senator Carroll (D)

*Status:* Passed the House (40-25) and the Senate (24-11) and signed into law on 6/1/09.

*Description:* HB 1351 increases the amount of earned time available to inmates from 10 days to 12 days a month if the inmate was convicted of a nonviolent class 4, 5, or 6 felony, had no prior convictions for a person offense, and had no code of penal discipline infractions. HB 1351 also raised the current statutory cap from 25% to 30% of a sentence that could cumulatively be deducted from an inmate's sentence for earned time.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/0E25F6511D550D928725759A0051EBEB?Open&file=1351\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/0E25F6511D550D928725759A0051EBEB?Open&file=1351_enr.pdf)

### **SB 11-254: Concerning Statutory Changes to Improve Practices for Persons Under Community Supervision**

*Sponsors:* Senators Steadman (D) and M. Carroll (D) and Representative Pace (D)

*Status:* Passed the Senate (34-0) and the House (65-0) and was signed into law on 6/2/11.

*Description:* Outlines eligibility criteria for diversion clients in community corrections to file a motion for early termination of a sentence with the court. For eligible diversion clients, the probation officer is required to submit this motion with notification to the district attorney, defendant, and the victim, if any. If a diversion client is revoked from community corrections and sentenced to prison, the bill also requires the DOC to apply credit for time served for both residential and nonresidential time completed in community corrections. Removes the existing 25% cap on the amount of time credit deductions that can be awarded.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C63C85A533331523872578730065A48D?Open&file=254\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C63C85A533331523872578730065A48D?Open&file=254_enr.pdf)

### **HB12-1223 Concerning Earned Time Awarded to Inmates in Prison**

*Sponsors:* Representatives Levy (D), Becker (R), Gerou (R) and Senators Steadman (D), Hodge (D) and Lambert (R) (Joint Budget Committee bill)

*Status:* Passed the House (40-25), passed the Senate (35-0) and was signed into law on May 24, 2012.

*Description:* Restores eligibility for earned time to people re-incarcerated for a parole revocation and create a new "achievement earned time" of up to 60 days (with a total cap of 120 days that can be awarded) that can be awarded at the discretion of the Director of the Department of Corrections for major program completion or extra-ordinary conduct by an inmate that promotes the safety of staff, volunteers or other inmates. Requires savings from the Department of Corrections budget be reinvested into vocational/educational programming inside prison and re-entry support services for people on parolee.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/F72F17E4B2F69D8F8725798800749492?Open&file=1223\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/F72F17E4B2F69D8F8725798800749492?Open&file=1223_enr.pdf)

## **Juvenile**

### **HB 09-1044: Concerning Expungement of Records Relating to a Criminal Matter For Which a Juvenile is Sentenced as a Juvenile after Being Charged by the Direct Filing of Charges in District Court**

*Sponsors:* Representative Roberts (R) and Senator Morse (D)

*Status:* Passed the House (58-5) and Senate (34-0) and signed into law 3/18/09

*Description:* HB 1044 clarifies that a juvenile conviction can be sealed even if it was originally filed in adult court but later transferred to juvenile court.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/326E2ABCA9E31E3387257537001A2D3B?Open&file=1044\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/326E2ABCA9E31E3387257537001A2D3B?Open&file=1044_enr.pdf)

### **HB 09-1321: Concerning the Placement of A Juvenile Who Is Awaiting Trial in District Court**

*Sponsors:* Representative Levy (D) and Senator M. Carroll (D)

*Status:* Passed the House (50-15) and the Senate (32-3) and signed into law on 6/1/09.

*Description:* HB 1321 precludes a juvenile from being held in a jail or adult lockup unless the juvenile is charged as an adult and after the district court determines following a hearing that such placement is appropriate.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/A51B843BE9288E4E8725757700021CE3?Open&file=1321\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/A51B843BE9288E4E8725757700021CE3?Open&file=1321_enr.pdf)

### **HB 10-1413: Concerning Juveniles Who Are Tried as Adults, and Making an Appropriation in Connection Therewith.**

*Sponsors:* Representatives Levy (D) and May (R) and Senators Newell (D) and Lundberg (R)

*Status:* Passed the House (55-8) and Senate (27-8) and signed into law on 5/25/10.

*Description:* For purposes of direct file, HB 1413 increases the minimum age of the defendant from 14 to 16 years, except in those cases where the defendant is charged with first degree murder, second degree murder or a sex offense. At least 14 days prior to filing the charges in district court, the district attorney must file the charges in juvenile court with a notice of decision on direct file. The bill lists the criteria that the district attorney must consider in determining whether to file charges in adult court against a juvenile. The district attorney must submit a written statement listing the criteria relied upon in deciding to direct file. The

bill also permits a juvenile convicted in district court of a class 2 felony (non sex offense) to be eligible for sentencing to the Youthful Offender System.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/A49AF845C0A4291A872576D2008110BE?Open&file=1413\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/A49AF845C0A4291A872576D2008110BE?Open&file=1413_enr.pdf)

**SB 10-54: Concerning the Provision of Educational Services For Juveniles Against Whom Charges Have Been Filed in District Court**

*Sponsors:* Senator Hudak (D) and Representative Levy (D)

*Status:* Passed the House (52-13) and Senate (18-15) and signed into law on 5/25/10.

*Description:* Requires a school district to provide educational services during the school year to a juvenile being held, pending charges as an adult, in a jail within the school district. The school district is also required to comply with the “Individuals with Disabilities Education Act” if the juvenile has a disability. There are a number of exceptions to this requirement.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7B422423DF0BD9DC872576A80029E737?Open&file=054\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7B422423DF0BD9DC872576A80029E737?Open&file=054_enr.pdf)

**SB 11-133: Concerning a Study of Disciplinary Actions Taken in Schools**

*Sponsors:* Senators Hudak (D), Newell (D), Foster (D), Giron (D), Steadman (D), Bacon (D), Jahn (D), King K. (R) and Representatives Nikkel (R), Ferrandino (D), Gardner B.(R), Kagan (D), Levy (D), Waller (R), Solano (D)

*Status:* Passed the Senate (28-7) and the House (63-0) and was signed into law on 5/23/11

*Description:* The bill creates an interim legislative task force to study school disciplinary practices that result in the issuance of criminal tickets and arrests in public schools for school-based behaviors.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4573402A707373F18725781800719E8A?Open&file=133\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/4573402A707373F18725781800719E8A?Open&file=133_enr.pdf)

**HB12-1139 Concerning Pretrial Detention of Children Prosecuted as Adults**

*Sponsors:* Representatives Levy (D), Fields (D), Barker (R), Court (D), Kagan (D), Massey (R), McCann (D), McKinley (D), Nikkel (R), Solano (D), Young (D) and Senator Guzman (D)

*Status:* Passed the House (64-0), passed the Senate (34-0) and was signed into law on March 15, 2012.

*Description:* Prohibits a juvenile who is to be tried as an adult from being held in an adult jail or pretrial facility unless the district court, after a hearing, finds that an adult jail or pretrial facility is the appropriate place of confinement for the juvenile. Requires the district court to consider a list of factors the district court must consider in making its decision.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/ECE1A34EBB8CDFA187257981007F1A26?Open&file=1139\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/ECE1A34EBB8CDFA187257981007F1A26?Open&file=1139_enr.pdf)

**HB12-1271 Concerning Charging of Juveniles by Direct File or Information or Indictment in District Court**

*Sponsors:* Representatives Nikkel (R), McCann (D) and Levy (D) and Senator Giron (D)

*Status:* Passed the House (45-20), passed the Senate (22-13) and was signed into law on April 20, 2012.

*Description:* This bill limit the offenses for which a juvenile may be “direct filed” and tried as an adult to class 1 felonies, class 2 felonies, crime of violence felonies for prior violent juvenile offenders, and violent sex offenses. If, after a preliminary hearing, the district court does not find probable cause for a direct-file-eligible offense, the court shall remand the case to the juvenile court. The bill also provides for a reverse-transfer hearing for juveniles direct-filed into adult court where the juvenile may petition the adult criminal court to transfer the case back to juvenile court after the preliminary hearing.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/D16EBFDF7AE1947487257981007E0D2C?Open&file=1271\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/D16EBFDF7AE1947487257981007E0D2C?Open&file=1271_enr.pdf)

**SB12-46: Concerning Disciplinary Measures in Public Schools**

*Sponsors:* Senators Newell (D) and Hudak (D) and Representatives Nikkel (R), Levy (D), and Szabo (R)

*Status:* Passed the Senate (32-3) but technically died when the House did not vote on SB 46 due to a filibuster on the civil union bill. However, it was revived when the Senate amended the entire content of SB12-46 into

HB12-1345 and was signed into law on May 19, 2012.

*Description:* makes changes to the school disciplinary procedures and requires data collection from schools, police, and district attorneys when a child is referred, charged, prosecuted for a criminal offense stemming from an incident on school grounds.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/CD3C8673214EEF8C872579CD00625FE2?Open&file=1345\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/CD3C8673214EEF8C872579CD00625FE2?Open&file=1345_enr.pdf)

## Other

### **HB 09-1262: Concerning the Issuance of a Summons Instead of an Arrest Warrant in Certain Circumstances**

*Sponsors:* Representative Casso (D) and Senator Morse (D)

*Status:* Passed the House (61-3) and the Senate (35-0) and signed into law 4/3/09

*Description:* HB 1262 requires that law enforcement issue a summons in lieu of an arrest for certain low-level offenses unless there is a specific finding by the court that there is a flight risk or risk to public safety.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/00DDD71DEF40342787257546000B83A5?Open&file=1262\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/00DDD71DEF40342787257546000B83A5?Open&file=1262_enr.pdf)

### **HB 09-1264: Concerning the Costs Associated With College-Level Academic Programs for State Inmates**

*Sponsors:* Representative Benefield (D) and Senator Hudak (D)

*Status:* Passed the House (65-0) and the Senate (31-1) and signed into law 4/16/09

*Description:* HB 1264 removes the statutory barrier to allow people in prison to receive grants or other funding to enroll in higher education classes.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/884C0DCA60E427B487257546000B8384?Open&file=1264\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/884C0DCA60E427B487257546000B8384?Open&file=1264_enr.pdf)

### **HB 09-1266: Concerning the Repeal of the Loss of Driving Privileges As A Penalty For Certain Crimes**

*Sponsors:* Representative McCann (D) and Senator Carroll (D)

*Status:* Passed the House (51-9) and the Senate (33-0) and signed into law on 6/1/09.

*Description:* HB 1266 limits the loss of driving privileges to only those crimes that are driving related.

[http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/606C6622ABEED2E58725753C007AAC0F?Open&file=1266\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2009A/csl.nsf/fsbillcont3/606C6622ABEED2E58725753C007AAC0F?Open&file=1266_enr.pdf)

### **HB 10-1112: Concerning the “Correctional Education Program Act of 1990”**

*Sponsors:* Representative Miklosi (D) and Senator Newell (D)

*Status:* Passed the House (50-13) and Senate (31-4) and signed into law on 3/31/10.

*Description:* This law sets performance objectives for vocational programs in the Department of Corrections to require that: vocational programming is more market-relevant; participation in programs is considered prior to an inmate’s transfer to another facility; and information about vocational programs, enrollment, and completion rates shall be included in the DOC’s annual statistical report.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/175CD03D31D90049872576AB0059E514?Open&file=1112\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/175CD03D31D90049872576AB0059E514?Open&file=1112_enr.pdf)

### **HB 10-1201: Concerning Duties Related to Peace Officer Contacts**

*Sponsors:* Representative Middleton (D), T. Carroll (D), Ferrandino (D), McFadyen (D), Miklosi (D), Pace (D), Vigil (D), and Weissman (D) and Senator Steadman (D)

*Status:* Passed the House (37-28) and Senate (35-0) and signed into law on 4/29/10.

*Description:* This bill requires that prior to conducting a consensual search of a person, personal effects, or vehicle a peace officer must get either oral or written consent for the search after advising the person that they may refuse. This does not apply to a valid search incident to a lawful arrest or to a search for which there is a legal basis which includes, but is not limited to, searches in correctional facilities, jails, community corrections facilities, mental health facilities or searches of a person on probation or parole by

a probation or parole officer when such searches are a condition of supervision.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/34BDAFC4BDBE212B872576A8002BC0D3?Open&file=1201\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/34BDAFC4BDBE212B872576A8002BC0D3?Open&file=1201_enr.pdf)

**SB 10-189: Concerning Authorization for Government Agencies to Approve Clean Syringe Exchange Programs to Reduce the Spread of Blood-Borne Disease**

*Sponsors:* Senator Steadman (D) and Representative Weissmann (D)

*Status:* Passed the House (57-6) and Senate (24-10) and was signed into law on 5/26/10.

*Description:* The bill gives authority to a county board of health or district board of health to approve a clean syringe program proposed by county or district public health agency provided that certain procedures are followed and community stakeholders are consulted. One or more counties represented on a district board of health may at any time opt out of a proposed or approved program. An employee or volunteer of such program will be exempt from drug paraphernalia laws.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/2BEFDEF41963C129872576BD007FAF1?Open&file=189\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/2BEFDEF41963C129872576BD007FAF1?Open&file=189_enr.pdf)

**SB 10-193: Concerning the Safe Treatment of Pregnant Persons in Custody**

*Sponsors:* Senator Hudak (D) and Representative Levy (D)

*Status:* Passed the House (62-1) and Senate (34-0) and signed into law on 5/27/10.

*Description:* The law limits the use of restraints on pregnant women in custody or confined in prisons, city/county jails, juvenile detention, or department of human services facilities. Corrections staff will not be permitted to use restraints of any kind on a pregnant woman during labor and delivery unless exceptional circumstances exist. Correctional staff is required to use the least restrictive measures of restraint during postpartum recovery and transport for medical care.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F9E9B6A44AD243D5872576E700501A9D?Open&file=193\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F9E9B6A44AD243D5872576E700501A9D?Open&file=193_enr.pdf)

**SB 11-176: Concerning Appropriate Use of Restrictive Confinement**

*Sponsors:* Senator M. Carroll (D) and Representative Levy (D)

*Status:* Passed the Senate (34-0) and the House (51-12) and was signed into law on 6/2/11.

*Description:* As amended, the bill allows inmates in administrative-segregation to be eligible for earned time, increases funding for mental health services and programs that are alternatives to ad-seg and narrows the definition of security threat group to require active participation—not just association. The DOC is undertaking a review of its entire classification policies, including ad-seg, and is required to present a report to the House and Senate judiciary committees in January 2012.

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/A88F4FFC795C5C79872578080080E624?Open&file=176\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/A88F4FFC795C5C79872578080080E624?Open&file=176_enr.pdf)

**HB12-1100 Concerning the Admissibility in Criminal Proceedings of the Results of Prenatal Screening for Illegal Substances**

*Sponsors:* Representative Summers (R) and Senator Aguilar (D)

*Status:* Passed the House (62-1), passed the Senate (32-3) and signed into law on March 9, 2012.

*Description:* Would limit the admissibility of positive drug screens involving pregnant women in any criminal proceeding.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/7228ED7FC6FC7CE487257981007DBA68?Open&file=1100\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/7228ED7FC6FC7CE487257981007DBA68?Open&file=1100_enr.pdf)

**HB12-1336 Concerning Authorization of a Prison Utilization Analysis**

*Sponsors:* Representatives Gerou, Levy (D), Becker (R) and Senators Steadman (D), Lambert (R), Hodge (D)

*Status:* Passed the House (65-0), passed the Senate (35-0) and was signed into law on May 24, 2012.

*Description:* Requires the Governor's Office of State Planning and Budgeting (OSPB) to conduct a prison utilization study to determine the most appropriate and cost-effective uses of available private and state prison beds. The study should include factors such as public safety, operational needs of the Department of



Corrections, offender classifications and needs, local impacts, among other issues. OSPB is required to provide a status report to the Joint Budget Committee by January 31, 2013 and additional quarterly progress reports and final recommendations for the five fiscal years beginning in FY2013-14.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/4384C1DD7B2FBFAB872579C700713D73?Open&file=1336\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/4384C1DD7B2FBFAB872579C700713D73?Open&file=1336_enr.pdf)

**HB12-1337 Concerning the Closure of the South Campus of the Centennial Correctional Facility for Housing Purposes** (aka Colorado State Penitentiary II)

*Sponsors:* Representatives Gerou, Levy (D), Becker (R) and Senators Steadman (D), Lambert (R), Hodge (D)  
*Status:* Passed the House (65-0), passed the Senate (35-0) and was signed into law on May 3, 2012.

*Description:* Codifies the closure of the south campus of the Centennial Correctional Facility (known as the Colorado State Penitentiary II or CSP II). As of February 1, 2013, the DOC may not house inmates at CSP II. Directs the DOC to actively pursue options to sell or lease CSP II with any proceeds first applied to payment on the certificates of participation used to finance the construction of CSP II. The fiscal note anticipated savings in FY12-13 of up to \$1.9 million and up to \$7.8 million in FY13-14.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/B69A3E1486A52E53872579C7007DB450?Open&file=1337\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/B69A3E1486A52E53872579C7007DB450?Open&file=1337_enr.pdf)

**HB12-1346 Concerning Sex Offender Registration**

*Sponsors:* Representative B. Gardner (R) and Senator S. King (R)

*Status:* Passed the House (65-0), passed the Senate (35-0) and was signed into law on May 24, 2012.

*Description:* Creates a definition for a sex offender who “lacks a fixed residence” and requires law enforcement to accept this registration. Those that register without a fixed residence are required to report more frequently-every 90 days for people who otherwise would register annually and every 30 days for people who otherwise would register quarterly. Failure to comply is an unclassified misdemeanor and is punishable for up to 30 days in jail for the first two convictions and up to 1 year in jail for any subsequent conviction.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/EDE8E2EBCBBB13F0872579A600716995?Open&file=1346\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/EDE8E2EBCBBB13F0872579A600716995?Open&file=1346_enr.pdf)

**SB12-20 Immunity for Reporters of Overdose**

*Sponsors:* Senator Aguilar (D) and Representative Summers (R)

*Status:* Passed the Senate (25-10) and an amended version was passed in the House (62-1) which limited immunity to only misdemeanor drug offenses; the Senate rejected the House version and a conference committee was requested. The conference committee restored immunity for the class 6 felony level for drug possession. The conference committee report was adopted and repassed in the House (65-0) and Senate (35-0) and signed into law on May 29, 2012.

*Description:* Creates immunity from prosecution for drug possession and drug use for those individuals that call for emergency medical or law enforcement assistance or drop someone off at a medical care facility in order to prevent overdose. The immunity from prosecution for the above mentioned crimes also applies to the person having the medical crisis.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/710AEDBE85DD498087257981007F0F6E?Open&file=020\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/710AEDBE85DD498087257981007F0F6E?Open&file=020_enr.pdf)

**SB12-104 Concerning Consolidation of Drug Treatment Funding Into the Correctional Treatment Fund**

*Sponsors:* Senator Steadman (D) and Representative DelGrosso (R)

*Status:* Passed the Senate (35-0) but technically died when the House did not vote on SB 104 due to a filibuster on the civil union bill. However, it was revived in the Senate by amending the entire content of SB 104 into HB 1310 and signed into law on June 7, 2012.

*Description:* Consolidates three funding silos for substance abuse treatment for adult and juvenile offenders, namely SB 03-318, HB 10-1352 and Drug Offender Surcharge cash funds. The bill renames the existing Drug Offender Surcharge Fund to the Correctional Treatment Cash Fund (CTCF). The bill creates an eight-member Correctional Treatment Board. This Board is tasked with preparing an annual treatment funding plan.

[http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/5E56B3D0BA79998B8725799C00605F05?Open&file=1310\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/5E56B3D0BA79998B8725799C00605F05?Open&file=1310_enr.pdf)

### **2009 Legislative Session**

HB 09-1044 Concerning Expungement of Records Relating to a Criminal Matter For Which a Juvenile is Sentenced as a Juvenile after Being Charged by the Direct Filing of Charges in District Court

HB 09-1122 Concerning Increasing the Age of Persons Eligible for Sentencing to the Youthful Offender System

HB 09-1262 Concerning the Issuance of a Summons Instead of an Arrest Warrant in Certain Circumstances

HB 09-1263 Concerning Time Computation While An Inmate Is Incarcerated In A County Jail

HB 09-1264 Concerning the Costs Associated With College-Level Academic Programs for State Inmates

HB 09-1266 Concerning the Repeal of the Loss of Driving Privileges As A Penalty For Certain Crimes

HB 09-1321 Concerning the Placement of A Juvenile Who Is Awaiting Trial in District Court

HB 09-1351 Concerning an Increase in the Amount of Time an Inmate May Have Deducted From the Inmate's Sentence and Making an Appropriation in Connection Therewith

SB 09-286 Concerning Criminal Law ...

SB 09-135 Concerning Information Collection Regarding Parole Decisions

### **2010 Legislation Session**

HB 10-1023 Concerning Clarifying Civil Liability Regarding Negligent Hiring Practices for an Employer That Hires a Person with a Criminal Record

HB 10-1090 Concerning the Punishment for a Person Who Is Convicted of Driving a Motor Vehicle with Knowledge That His or Her Driver's License Is Under Restraint

HB 10-1104 Concerning Veterans' Treatment Court

HB 10-1112 Concerning the "Correctional Education Program Act of 1990"

HB 10-1201 Concerning Duties Related to Peace Officer Contacts

HB 10-1338 Concerning the Eligibility for Probation of a Person Who Has Two or More Prior Convictions

HB 10-1347 Concerning Misdemeanor Penalties for Persons Who Are Convicted of Multiple Traffic Offenses Involving Alcohol or Drugs

HB 10-1352 Concerning Drug Sentencing Reform

HB 10-1360 Concerning Reducing Revocations for Technical Violations

HB 10-1373 Concerning Sentencing Changes For Escape Crime

HB 10-1374 Concerning Changes to Parole

HB 10-1413 Concerning Juveniles Who Are Tried as Adults

SB 10-06 Concerning Reductions in Barriers to Obtaining Identity-Related Documents

SB 10-54 Concerning the Provision of Educational Services For Juveniles Against Whom Charges Have Been Filed in District Court

SB 10-159 Concerning Defendant Statements at a Community Corrections Hearing

SB 10-189 Concerning Authorization for Government Agencies to Approve Clean Syringe Exchange Programs to Reduce the Spread of Blood-Borne Disease

SB 10-193 Concerning the Safe Treatment of Pregnant Persons in Custody

### **2011 Legislative Session**

HB 11-1032 Concerning Restorative Justice

HB 11-1064 Concerning A Parole Presumption Pilot Program for Certain Drug Offenders

HB 11-1167 Concerning The Petition Process For The Sealing of Certain Drug Offense Records

HB 11-1180 Concerning Using Individualized Assessments to Aid Judges in Imposing Criminal Sentences that Reduce the Likelihood of Criminal Offenders Committing Additional Criminal Acts

HB 11-1239 Concerning A Requirement to Include Additional Information in Fiscal Notes For Certain Bills Related to Criminal Offenses

SB 11-96 Concerning Excluding A Class 6 Felony Drug Possession Conviction As A Qualifying Offense Under The Habitual Offender Statute

SB 11-133 Concerning a Study of Disciplinary Actions Taken in Schools

SB 11-134 Concerning The Addition of Certain Drugs to the Statutory List of Schedule I Controlled Substances

SB 11-176 Concerning Appropriate Use of Restrictive Confinement

SB 11-241 Concerning Changes Related to the Operation of the Parole Board

SB 11-254 Concerning Statutory Changes to Improve Practices for Persons Under Community Supervision

### **2012 Legislative Session**

HB12-1100 Concerning the Admissibility in Criminal Proceedings of the Results of Prenatal Screening for Illegal Substances

HB12-1213 Escape from Community Corrections Program

HB12-1223 Concerning Earned Time Awarded to Inmates in Prison

HB12-1263 Concerning Reducing Barriers to Employment For People With Criminal Records

HB12-1139 Concerning Pretrial Detention of Children Prosecuted as Adults

HB12-1271 Concerning Charging of Juveniles by Direct File or Information or Indictment in District Court

HB12-1336 Concerning Authorization of a Prison Utilization Analysis

HB12-1337 Concerning the Closure of the South Campus of the Centennial Correctional Facility for Housing Purposes (aka Colorado State Penitentiary II)

HB12-1346 Concerning Sex Offender Registration

SB12-20 Immunity for Reporters of Overdose

SB12-46 Concerning Disciplinary Measures in Public Schools

SB12-104 Concerning Consolidation of Drug Treatment Funding Into the Correctional Treatment Fund

SB12-116 Concerning Penalties Associated with Cathinones, and In Connection Therewith, Creating A Misdemeanor Penalty for Possession of Cathinone (aka “bath salts”)

SB12-163 Concerning Changes to Controlled Substances Act and Making a Misdemeanor Offense for Drug Possession

### **Colorado Commission on Criminal & Juvenile Justice**

In 2007, HB 07-1358 was signed into law which created the Colorado Commission on Criminal & Juvenile Justice. You can review the enacting legislation at [http://www.leg.state.co.us/CLICS/CLICS2007A/csl.nsf/fsbillcont3/A675D55CE6BA5AD08725727300837E4A?Open&file=1358\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2007A/csl.nsf/fsbillcont3/A675D55CE6BA5AD08725727300837E4A?Open&file=1358_enr.pdf)

For more information on the Colorado Commission on Criminal & Juvenile Justice, go to: [www.colorado.gov/cs/Satellite/CDPS-CCJJ/CBON/1251617151684](http://www.colorado.gov/cs/Satellite/CDPS-CCJJ/CBON/1251617151684)

*What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs* (Feb. 2008), written by Roger Przyblyski on behalf of the Colorado Division of Criminal Justice  
[http://cdpsweb.state.co.us/ccjj/PDF/WW08\\_022808.pdf](http://cdpsweb.state.co.us/ccjj/PDF/WW08_022808.pdf)

*Correctional and Sentencing Reform for Drug Offenders: Research Findings on Selected Key Issues* (Sept. 2009) written by Roger Przyblyski on behalf of the Colorado Criminal Justice Reform Coalition  
[http://cdpsweb.state.co.us/ccjj/PDF/Research%20Documents/Przyblyski-CorrectionalandDrugSentencingReform\\_09-09-09.pdf](http://cdpsweb.state.co.us/ccjj/PDF/Research%20Documents/Przyblyski-CorrectionalandDrugSentencingReform_09-09-09.pdf)